

REPLY TO OFFICE ACTION OF 02/13/2004

SERIAL NO: 09/990,770
DOCKET NO: 149-0046US**REMARKS**

This paper is intended to be a complete response to the above-identified Office Action. It is believed no fee is due. If fees are required, however, the Commissioner is authorized to deduct the necessary charges from Deposit Account 501922/149-0046US.

Claims

Claims 1-45 were rejected under sections 102(e) in view of Leung (USP 6,282,570).

Independent claims 1, 16 and 31 have been amended to clarify that actions performed on the database objects are to modify such database objects. As recited, actions performed on the database objects are more than just monitoring or observation. All these actions are performed automatically, by the method of claim 1, by the program instructions in the carrier medium of claim 16 or by the database management system of claim 31.

After the current amendment, claims 1-45 are pending.

102 rejections

Claims 1-45 are rejected under section 102 in view of Leung. The Applicant respectfully disagrees.

It appears that Leung is directed to a method or device for "monitoring a large parallel database through dynamic grouping and sequential sampling." (Title) On the other hand, the current application is directed to database management methods and devices, which perform actions on a database that modify the database, monitor the results and further reconfigure user parameters in view of the results.

The text in Leung cited by the Examiner is all directed to *monitoring* databases, i.e., sampling or collecting statistics *about* databases. None of the cited passages discuss how to perform actions on a particular database that *modify* the database, except one sentence quoted below indicating that the types of *modification* actions may be determined and ordered by a human user.

"In particular, users define what the database monitor does (e.g., a user may define which database instance to monitor). For example, a user may want to monitor the

REPLY TO OFFICE ACTION OF 02/13/2004

SERIAL NO: 09/990,770
DOCKET NO: 149-0046US

performance of a particular table in a database. Specifically, the user may want to check whether a table increases beyond a certain number of rows. If the table increases beyond a certain number of rows, *the user may want the database monitor [206] to prune the table*. In both cases, the *user* defines what the database monitor [206] does.” Col. 4:17-25. (Emphasis added.)

These types of monitoring and subsequent actions by a *user* are typical of the prior art, as discussed in the Description of the Related Art section of the current application. This quote and other text of Leung cited by the Examiner do not teach or fairly suggest “(an automated method) *determining* actions to be performed on one or more database objects to *modify* the one or more database objects.” Only the embodiments of the current invention disclose automated methods wherein *user* intervention is not required.

Further more, claim 1 requires that “monitoring *results* of the performing the actions on the database objects; and *reconfiguring* one or more policies or definitions associated with the database *based on* the monitoring *the results* of the performing the actions on the database objects.” The act of “reconfiguring . . .” is performed after, and is based on, the *monitored results* of the action to *modify* the one or more database objects. This “reconfiguring” act is not based on the results of generic monitoring of the database or the general operational status of the database. Nowhere in Leung does it teach or fairly suggest such a specific automated sequence of actions.

In a valid section 102 rejection, “[t]he identical invention must be shown in as complete detail as is contained in the patent claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir.), cert. denied, 493 U.S. 853 (1989); see also M.P.E.P. 2131. Further, the “elements must be arranged as in the claim under review.” *In re Bond*, 910 F.2d 831, 832 (Fed. Cir.), reh’g denied, 1990 U.S. App. LEXIS 19971 (1990); see also M.P.E.P. 2131.

Because Leung does not identically disclose as complete detail as is contained in claim 1, it does not anticipate claim 1. Further more, because Leung does not teach or fairly suggest the missing limitations recited in claim 1, it does not render claim 1 obvious. Therefore, claim 1 is allowable.

REPLY TO OFFICE ACTION OF 02/13/2004

SERIAL NO: 09/990,770
DOCKET NO: 149-0046US

Independent claims 16 and 31 have at least the same limitations as independent claim 1, and are, therefore, allowable in view of Leung for at least the same reasons.

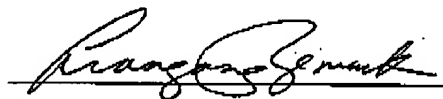
All dependent claims depend from one of independent claims 1, 16 or 31, and are, therefore, also allowable.

CONCLUSIONS

Reconsideration of the pending claims 1-45 in light of the above amendment and remarks is respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

4/5/2004

Date



Liangang (Mark) Ye
Reg. No. 48,276
Email: mye@counselIP.com
Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.
20333 SH 249, Suite 600
Houston, Texas 77070
Voice: 832-446-2407
Facsimile: 832-446-2424